REMARKS

The Office Action dated April 8, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 4, 11, 14, 17, 20, 21, 23, 27, 29, and 30 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 2, 3, 5-9, 12, 13 16, 18, 19, 22, 24, and 25 have been canceled without prejudice or disclaimer. Claims 31-44 have been newly added. No new matter has been added and no new issues are raised which require further consideration or search. Claims 1, 4, 10, 11, 14, 15, 17, 20, 21, 23 and 26-44 are presently pending.

Claims 1-6, 8-10, 13-15, 17-20 and 25-30 were rejected under 35 U.S.C. §102(b) as being anticipated by Arunachalam et al. (U.S. Patent No. 6,631,122). The Office Action took the position that Arunachalam discloses all of the subject matter recited in the claims. Initially, Applicant notes that Arunachalam does not qualify as prior art under §102(b) because it was not published or patented more than one year before the effective filing date of the present application. However, Applicants will proceed under the assumption that Arunachalam is being applied as prior art under §102(e). In addition, claims 2, 3, 5-9, 12, 13 16, 18, 19, 22, 24, and 25 have been cancelled thus rendering their rejections moot. This rejection is respectfully traversed for at least the following reasons.

Claim 1, upon which claims 4, 10, 11, 14 and 17 are dependent recites a system. The system includes user equipment and a resource node configured to manage resource for communication with said user equipment. The system also includes a managing node configured to manage traffic flow. The resource node and said managing node are configured so that negotiation information determined by the at least one resource node is passed between the resource node and the managing node. The managing node selects a parameter for a new traffic flow based on negotiation information. The negotiation information comprises cost.

Claim 17, upon which claims 33 and 36-41 are dependent, recites a method that includes determining negotiation information at a resource node, the negotiation information comprising cost. The method also includes passing the determined negotiation information between the resource node and a managing node.

Claim 20, upon which claims 26 and 35 are dependent, recites an apparatus that includes a traffic flow manager configured to manage a traffic flow. The apparatus also includes an information receiver configured to receive negotiation information determined at a resource node from the resource node. The negotiation information includes cost information. The apparatus also includes a selector configured to select at least one parameter for a new traffic flow based on said negotiation information.

Claim 21, upon which claims 27-30 are dependent, recites an apparatus that includes a resource manager configured to communicate with user equipment. The apparatus also includes an information determiner configure to determine negotiation

information, the negotiation information comprising cost. The apparatus also includes an information passer configured to pass the negotiation information to a managing node.

Claim 23 recites a computer program embodied on a computer readable medium, said computer program configured to control a processor to perform certain operations. Those operations include determining negotiation information at a resource node, the negotiation information comprising cost. Those operations also include passing the determined negotiation information between the resource node and a managing node.

As will be discussed below, the teachings of Arunachalam fail to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above. The rejection is respectfully traversed for at least the following reasons.

Arunachalam discloses a wireless QoS agent that operates on an all-IP network. The QoS agent communicates with a radio resource manager (RRM) 805. The QoS agent examines a ToS/DS byte of a first packet of a new flow and maps it to a class of services (CoS) class. The QoS agent assigns a tag, referred to as a logical flow ID (LFI), which associates a particular service class with a particular flow. The RRM 805 receives the LFI and CoS information and "allocates appropriate LAC/MAC resources to this flow" (see column 9, lines 54-56 and FIG. 8 of Arunachalam). In addition, a flow monitoring element (FME) 811 monitors the QoS behavior of a particular flow and sends sample measurements to the QoS agent 801. The QoS agent provides a call admission decision to the RRM 805 using statistics and estimation based on the sample measurements (see column 10, lines 24-32 of Arunachalam).

Contrary to the teachings of Arunachalam, claim 1 recites, in part, "a managing node configured to manage traffic flow...so that negotiation information...is passed between the resource node and the managing node" and "said managing node selecting a parameter for a new traffic flow based on said negotiation information, wherein said negotiation information comprises cost." Additionally, independent claims 17, 20, 21, 23 and 42-44 also recite similar subject matter as that disclosed above with respect to independent claim 1.

Arunachalam discloses determining two kinds of information by the QoS agent. One type of information is the call admission decision information. Another kind of information is the CoS and TFI information for the flow. Applicant submits that neither of these types of information relate to <u>cost</u>. For example, the call admission decision information is sent to the RRM (see column 10, lines 31-32, and also, as referred to in the Office Action, column 9, lines 7-10, and column 5 lines 44-46 of Arunachalam). However, this decision is not "negotiation information", as recited in the claims. Additionally, "a parameter for a new traffic flow is not selected according to Arunachalam based on the call admission decision. Furthermore, the call admission decision does not comprise "negotiation information comprising <u>cost</u>", as recited in the independent claims.

The other kind of information that might be determined at the QoS agent is a CoS and TFI for the flow. Neither of these kinds of information relate to cost. The Office Action specifically alleged that the term "tariff policies" in column 5, lines 13-15 of

Arunachalam teaches negotiation information comprising cost. Applicant disagrees with the alleged teaching of Arunachalam, and submits that there is no teaching or suggestion that the "tariff policies" are included in negotiation information "passed from a resource node to a managing node", as recited in the claims. Also, there is teaching or suggestion in Arunachalam that the cost is determined at the resource node.

Therefore, for at least the reasons stated above, Applicants submit that Arunachalam fails to teach all of the subject matter of independent claims 1, 17, 20, 21, 23 and 42-44. By virtue of dependency those claims dependent thereon are also allowable over Arunachalam. Withdrawal of the rejection of claims 1, 4, 10, 14, 15, 17, 20 and 26-30 is kindly requested.

Claims 20-29 were rejected under 35 U.S.C. §102(b) as being anticipated by Chen et al. (U.S. Patent Publication No. 2003/0009580). Initially, Applicant notes that Chen does not qualify as prior art under §102(b) because it was not published or patented more than one year before the effective filing date of the present application. However, Applicants will proceed under the assumption that Chen is being applied as prior art under §102(e). Additionally, claims 22, 24 and 25 have been rejected, thus rendering their rejections moot. This rejection is respectfully traversed for at least the following reasons.

Chen discloses a radio network controller (RNC) with a radio resource controller (RRC) sending a radio access bearer (RAB) resource inquiry to a RAB information base for selecting an accessible RAB. The inquiry activates a search through a list of RABs to

determine which one would be most appropriate. For each RAB to be established, the RNC identifies RAB parameter information, such as, QoS parameters (e.g. maximum bit rate and guaranteed bit rate) (see paragraph [0010] of Chen). Based on the determined RAB-QoS, the RNC determines radio bearer (RB) QoS parameters. The RNC then sends a radio link configuration "prepare" message to the base station to inform of the initiation of the requested RAB.

The Office Action relied on the teachings of paragraphs [0108], [0111] and [0112] of Chen as allegedly disclosing certain features of the claims. Applicant disagrees that those paragraphs noted above or any other portion of Chen teaches or suggests "an information receiver configured to receive negotiation information determined at a resource node from the resource node, wherein the negotiation information comprises cost", as recited, in part, in independent claim 20, and similarly recited in independent claims 21 and 23.

As noted above, the inquiry activates a search through a list of RABs. For each RAB to be established, the RNC identifies RAB parameter information, such as, QoS parameters (e.g. maximum bit rate and guaranteed bit rate) (see paragraph [0010] of Chen). Applicant submits that the RAB parameter information is not negotiation information comprising cost information. Furthermore, the "prepare" message sent to the base station to inform of the initiation of the requested RAB is also not negotiation information comprising cost information.

Therefore, for at least the reasons stated above, Applicants submit that Chen fails to teach all of the subject matter of independent claims 20, 21 and 23. By virtue of dependency those claims dependent thereon are also allowable over Chen. Withdrawal of the rejection of claims 20, 21, 23 and 26-29 is kindly requested.

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Arunachalam in view of Parks et al. (U.S. Patent No. 6,959,001). The Office Action took the position that Arunachalam discloses all of the subject matter recited in the claims except for an access charge for the user equipment being dependent on the location of the user equipment in the system and/or time. The Office Action then relied on the teachings of Parks as allegedly curing those deficiencies in Arunachalam. This rejection is respectfully traversed.

Arunachalam is discussed above. Parks discloses a method and apparatus for providing telecommunications service to a customer while charging the customer based on one rate or tariff. The rate is set by the Telephone Company based on the distance between the endpoints of the services provided and the bandwidth specified by the customer for a particular end user. The customer chooses the type of handoff that it prefers for a protocol and the telecommunications company routes the data or telephone call in the most efficient means available while providing a throughput in accordance with the bandwidth that has been selected by the customer.

Claim 7 is dependent upon claim 1 and contains all of the limitations thereof. As discussed above, the teachings of Arunachalam fail to disclose or suggest all of the

elements of claim 1. In addition, Parks fails to cure the deficiencies in Arunachalam as Parks also fails to disclose or suggest "a managing node configured to manage traffic flow...so that negotiation information...is passed between the resource node and the managing node" and "said managing node selecting a parameter for a new traffic flow based on said negotiation information, wherein said negotiation information comprises cost", as recited, in part, in independent claim 1. Thus, the combination of Arunachalam and Parks fails to disclose or suggest all of the elements of claim 1. Furthermore, claim 7 should be allowed for at least its dependence upon claim 1, and for the specific limitations recited therein.
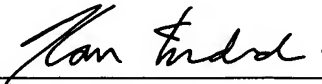
Claims 11 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Arunachalam in view of Chen et al. (U.S. Patent Publication No. 2003/0009580). This rejection is respectfully traversed. As discussed above neither Arunachalam nor Chen teaches or suggests "a managing node configured to manage traffic flow...so that negotiation information...is passed between the resource node and the managing node" and "said managing node selecting a parameter for a new traffic flow based on said negotiation information, wherein said negotiation information comprises cost", as recited, in part, in independent claim 1. Claim 11 is dependent upon claim 1 and claim 16 is cancelled, thus rendering its rejection moot. By virtue of dependency, claim 11 is also allowable over Arunachalam and Chen for at least the reason that claim 11 is dependent upon claim 1 and for the specific claim recitations recited therein.

For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1, 4, 10, 11, 14, 15, 17, 20, 21, 23 and 26-44 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Additional Claim Fee Transmittal
                Petition for Extension of Time
                Check No. 19383